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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/269,771	05/17/2000	NIELS WENDLAND	4080-29PUS	1574

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EXAMINER

PRATT, CHRISTOPHER C

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 04/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant(s)	
WENDLAND, NIELS	
Application No.	09/269,771
Examiner	Christopher C Pratt
Art Unit	1771

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-10 and 12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-10 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Respons to Amendment

1. Applicant's amendments and accompanying remarks filed 2/3/03 have been entered and carefully considered. Applicant's amendment is found to overcome the prior art rejection set forth in the previous action because, Tillotson does not seem to teach a permanently tacky adhesive. Despite this advance, Applicant's amendment is not found to patentably distinguish the claims over the prior art and Applicant's arguments are not found persuasive of patentability for reasons set forth herein below.

Claim Rejections - 35 USC § 103

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3. Claims 7-10 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Andersson (5460855) in view of Brown et al (5413829) and Tillotson (4743330).

Anderson is concerned with the creation of woven wallpaper; however, Anderson is completely silent with respect to a method of hanging the wallpaper. Therefore, the invention of Anderson cannot achieve its full utility without supplemental teachings from the prior art explaining how to hang the wallpaper.

Brown is concerned with an improved method of hanging wallpaper (col. 1, lines 5-31). Brown teaches laminating a permanently tacky pressure sensitive adhesive used to adhere the wallpaper to a surface (col. 5, lines 50-60). Brown's pressure sensitive adhesive can be applied in hot melt form (col. 8, lines 37-43). It would have been obvious to a person having ordinary skill in the art to utilize the adhesive taught by

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Brown in the wallpaper of Andersson. Such a modification would have been motivated by the desire to allow easy application to the wall and also easy removal and adjustment for repositioning (col. 6, lines 33-40).

As previously set forth, Tillotson teaches an improved method of applying adhesives to woven fabrics. It would have been obvious to a person having ordinary skill in the art to utilize Tillotson's application method. Such a modification would have been motivated by the desire to avoid wasting adhesive.

Applicant argues that the barrier layer of Andersson is continuous and not the instantly claimed discontinuous layer. To clarify, the barrier layer of Andersson is irrelevant to this rejection. Andersson teaches the barrier layer to be between the decorative layer and the substrate (col. 4, lines 13-21). Therefore, the barrier layer would have no effect on the adhesive applied to the back of the substrate, which adheres the fabric of Andersson to a wall.

Applicant argues that Andersson fails to teach a self-adhesive wallpaper. However, Anderson teaches that "any" wallpaper can be used (col. 3, lines 6-9). The examiner notes that adhesives, by far, are the most commonly used method of applying wallpapers. Brown further teaches the use of adhesive for applying substrates to surfaces.

Applicant argues that Tillotson discloses a carpet and not a wallpaper. Applicant appears to be arguing that the references are drawn to non-analogous art. However, the primary reference, Andersson, teaches that floor coverings (carpet) and wall coverings (wallpaper) are equivalent (col. 1, lines 10-30).

Applicant argues that the adhesive taught by Tillotson is squeezed through the secondary backing and, therefore, does not have the proper viscosity to prevent penetration through the fabric. Tillotson teaches that the adhesive has a "tendency" to be squeezed through the fabric, but only after two fabrics are compressed with pressure by a pair of laminating rollers. This high pressure laminating roller process would not be needed, nor desired in wallpaper. Tillotson is only relied upon to provide a teaching of the benefits of applying a hot melt resin adhesive to the crossover points of a fabric. Therefore, this disclosure refers to a process step not relied upon in the instant rejection. Moreover, the fact that Tillotson's adhesive only has a "tendency" to be squeezed through the fabric after such a high-pressure lamination shows that the adhesive does, in fact possess a viscosity, which resists penetration through the fabric.

Conclusion

4. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Pratt whose telephone number is 703-305-6559. The examiner can normally be reached on Monday - Friday from 7 am to 4 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 703-308-2414. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.

Christopher C. Pratt
April 7, 2003



CHERYL A. JUSKA
PRIMARY EXAMINER